

April 23, 2002

Via Facsimile (202) 418-0982

Hon. Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Wireless Local Number Portability
WT Docket No. 01-184

Dear Commissioner Martin:

This is to follow up on the questions you posed in our meeting with you on April 11, 2002, regarding the pending proceeding referenced above seeking forbearance from the wireless local number portability (LNP) requirements.

In our meeting, we presented you with information regarding the significant and unnecessary costs and burdens that the LNP requirement will place on Dobson as a provider of wireless service in primarily rural areas. You asked us to provide you with further information about whether these costs and burdens would be lessened if the LNP rules were modified so that wireless carriers are required only to port numbers *out*, but not *in*.

It appears that a port-out-only requirement would not result in significant savings to Dobson in cost or burden. Vendors have not developed switch software that supports only port-out capability, so the same software upgrades would be necessary in either case. Nor do we believe that elimination of the port-in requirement would remove the significant customer care costs that LNP will create. We believe that problems associated with porting requests will affect the porting-out carrier as well as the porting-in carrier, necessitating substantially increased customer care costs (from hiring and training new personnel and retraining existing personnel to handle porting-related problems). We also believe that costly changes would be necessary to our point-of-sale, billing, and number inventory systems, even if only porting-out were required. Although our meeting handout focused on the costs of upgrading our systems to accommodate ported-in numbers, changes would also be necessary even if numbers are only ported out. For example, the billing and number inventory systems would have to be modified to address the fact that the numbers of former customers who take their numbers with them will not return to our own pool of available numbers.

More fundamentally, however, we continue to believe that the port-out-only concept (an idea introduced in this docket by Leap Wireless, an opponent of forbearance) is a disingenuous response to the burdens of the LNP requirement. It would present wireless carriers with a Hobson's choice that is really no choice at all. Even if a port-out-only requirement were less burdensome (which we do not believe it is), given the highly competitive wireless marketplace, no rational carrier would implement the capability

to benefit its competitors by porting numbers out without implementing the capability to similarly benefit itself by porting numbers in. As a result, the Commission could not meaningfully say it had reduced the burden on carriers by adopting this approach.

You also asked us to consider the burdens of the LNP requirement could be lessened by a staggering the LNP implementation schedule following the number pooling rollout schedule. Dobson supports the concept of postponing the commencement of LNP until after pooling has been implemented. Dobson notes, however, that the pooling schedule is based on area codes (NPAs), while most wireless carriers' systems are based on markets or MSAs. Therefore, an LNP rollout that strictly followed the NPA-based pooling rollout could cause logistical issues. Customers with numbers in some area codes in a market could port their numbers while customers with numbers in other area codes in the same market could not. Not only would this engender substantial customer confusion, it would increase customer care costs to manage this confusion, as well as complicating the process of carrier system implementation. Thus, if any such phase-in is considered, it should be on an MSA rather than an NPA basis.

We recognize your statements in our meeting that full forbearance from the wireless LNP requirement, as requested in the petition, is not currently "on the table" in your view. Nevertheless, Dobson continues to believe that the wireless number portability requirement is a solution in search of a problem. In light of your strong view that the marketplace is the best determinative of the customer choices, we hope you will avoid imposing such costly "market-opening" measures on a marketplace that is already so highly competitive. Wireless service prices are steadily falling, and consumers are receiving steadily larger packages of minutes and services for their money. Consumer satisfaction is generally high. Questions about wireless service quality come in spite of significant improvements, and are largely a function of steeply rising expectations as competition has brought the price of wireless service within easy reach of most of the American public. The fierce competition in the marketplace will ensure that wireless carriers continue to strive to meet and exceed their customers' expectations. In short, Dobson believes that the forbearance petition should be granted.

Thank you again for taking the time to listen to Dobson's perspectives on this issue. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Timothy J. Duffy
Chief Technology Officer
Senior Vice President

cc: Samuel Feder (by facsimile)
Marlene H. Dortch, FCC Secretary (by electronic filing in WT Docket 01-184)